

Atty Docket No.: 10013014-1

Remarks

This communication is responsive to the Office Action of December 4, 2007. Reexamination and reconsideration of claims 1-11 & 20-23 is respectfully requested.

Summary of The Office Action

Claims 9-10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-23 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 6 and 11 were rejected under 35 U.S.C. §102(e) as being anticipated by AAPA (Applicant Admitted Prior Art, referencing US Pub. 2003/0097469).

Claims 1, 4, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art, referencing US Publication 2003/0097469).

Claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of "Official Notice".

Claims 2, 3, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Basso et al. (US Patent No. 6,370,119).

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Basso et al. and in further view of "Official Notice".

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Claim Language

The Office Action on page 3, section 2, indicates that claims 1 and 6 include "intended use" language, which does not add any patentable weight. Applicant respectfully disagrees and requests that specific authority be cited to support such a position. The language in question adds specific features to the claims relating to how the method operates. The language must be considered and given weight, not ignored.

MPEP 2143.03 specifically instructs examiners to consider every word in a claim:

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

MPEP 2143.03 goes even further to explain the importance of every word in a claim, and states, "A claim limitation which is considered indefinite cannot be disregarded" and "... all the limitations of the claims must be considered and given weight, including limitations which do not find support in the specification as originally filed..." Therefore, the selected claim language cannot be ignore.

I. Claims 21-23 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 21-23 were rejected under MPEP 2164.08(a) for being a single means claim. However, these claims are dependent upon independent claim 20. Therefore, the elements of claim 20 are combined with the elements of its dependent claims when determining the scope of a dependent claim. Thus, the dependent claims 21-23 are not a single means claim as defined by MPEP 2164.08(a). The rejection does not apply and should be withdrawn.

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